

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	PRELIMINARY ORDER
TRANSFER NO. 73811 IN THE NAME OF)	GRANTING PETITION
IDAHO WATER COMPANY)	FOR RECONSIDERATION
_____)	

This matter having come before the Department of Water Resources (“Department”) as a petition to reconsider a preliminary order rejecting a contested application for transfer, the Department makes the following finds, concludes, and orders:

FINDINGS OF FACT

1. On February 15, 2011, the Department issued a preliminary order rejecting Application for Transfer No. 73811 (application) in the name of Idaho Water Company (Applicant). The order was issued for the Applicant’s failure to provide by February 10, 2011 the necessary documents and valid agreements that grant authority to file the application.

2. On March 1, 2011, the Department received a Petition for Reconsideration from the Applicant through Attorney Michael C. Creamer. The Petition requested the Department reinstate the application and proceed to schedule a hearing. Also attached was a non-binding letter of intent from the Applicant parties stating: *The parties have agreed upon a price and a closing date which would occur within 120 days from the date of this letter.*

3. On March 9, 2011, the Department met with the Applicant parties to determine what documents and valid agreements are necessary for the Applicant to regain the authority to file the application.

4. On March 10, 2011, the Department acted on the petition by notifying all parties that a Petition for Reconsideration had been received. The notification requested parties review the Petition and submit comments/recommendations for Department consideration by March 25, 2011. The Department received no comments or recommendations from parties.

CONCLUSIONS OF LAW

1. Rule 730.02.a. of the Department's Rules of Procedure (IDAPA 37.01.01.730.02.a.) in part states:

Any party may file a petition for reconsideration of this preliminary order with the hearing officer issuing the order within fourteen (14) days of the service date of this order. The hearing officer issuing this order will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

2. A timely petition for reconsideration was filed with the Department. Parties in the contested case did not submit comments or recommendation upon petition notification. The Department should grant the petition for reconsideration, and allow the Applicant the opportunity to provide the necessary documents and agreements that would grant the authority to file the application.

ORDER

IT IS HEREBY ORDERED the Petition for Reconsideration submitted by the Applicant is **GRANTED** pursuant to Rule 730.02.a. of the Department's Rules of Procedure.

IT IS FURTHER ORDERED the Preliminary Order Rejecting the Application is stayed until July 1, 2011. This Order, in effect, grants the Applicant an extension of time, until July 1, 2011 to provide to the Department valid agreements or other necessary documents demonstrating the Applicant has legal authority to file the application. Failure of the Applicant to provide the necessary documentation by the July 1, 2011 deadline will result in the Preliminary Order Rejecting the Application becoming a Final Rejection Order by operation of law.

Dated this 1st day of April, 2011.



John Westra, Manager Western Region

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2011, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the person(s) listed below:

IDAHO WATER COMPANY
C/O DEL KOHTZ
1135 VALLEY RD SOUTH
EDEN, ID 83325

GIVENS PURSLEY LLP
ATTN: MICHAEL CREAMER
PO BOX 2720
BOISE, ID 83701-2720

BROCKWAY ENGINEERING
ATTN: ERICK POWELL
2016 N WASHINGTON ST, STE 4
TWIN FALLS, ID 83301

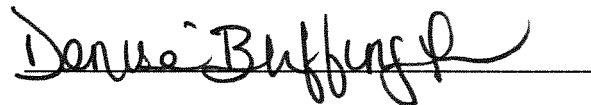
CITY OF MOUNTAIN HOME
ATTN: WAYNE SHEPHERD
PO BOX 10
MOUNTAIN HOME, ID 83647

G 3 LLC
ATTN: CRAIG HAYNES
2136 E LEWANDOWSKI LN
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NEVID LLC & ELK CREEK RANCH LLC
C/O BARKER ROSHOLT & SIMPSON
ATTN: NORM SEMANKO
PO BOX 2139
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MOORE SMITH BUXTON & TURCKE
ATTN: BRUCE SMITH
950 W BANNOCK ST, STE 520
BOISE, ID 83702

A handwritten signature in black ink, reading "Denise Buffington", written over a horizontal line.

Denise Buffington
Administrative Assistant